There are now in the School graduates of ninety-two colleges and universities, as compared with eighty-two last year and seventy-six the year preceding. In the present first year class forty-four colleges and universities, as compared with forty-seven last year, are represented as follows: Harvard, 69; Yale, 25; Brown, 19; Dartmouth, 11; Williams, 6; Bowdoin, Chicago, 5; Amherst, California, Tufts, 4; Northwestern, Wisconsin, 3; Centre, Cincinnati, Cornell, Georgetown University, Iowa, Minnesota, Princeton, Vermont, Washington and Jefferson, Western Reserve, 2; Bethany, Central, Colorado, University of Colorado, Earlham, Franklin and Marshall, Gates, Georgetown, Haverford, Illinois Wesleyan, Indiana, Leland Stanford, Jr., McGill, Michigan, Mt. Vernon, Ohio State, University of Pennsylvania, Pomona, St. Joseph's, Syracuse, Tulane, Vanderbilt, 1. There are at present in the School thirteen Law School graduates, of whom seven have received both academic and law degrees, representing the following twelve Law Schools: Buffalo, Centre, Cincinnati, Georgetown University, Harvard, Iowa (2), Indiana, Missouri, Northwestern, Texas, and Western Reserve.

RECOVERY FOR DAMAGE RESULTING FROM NERVOUS SHOCK. — It is interesting to note the trend of judicial opinion on the question of allowing recovery for injuries resulting from nervous shock. There is little discussion where the defendant acts wilfully, but where his act is merely negligent, the courts have adopted widely dissimilar views. In New York, Massachusetts, and the English Privy Council the right to recover has been denied. *Mitchell* v. *Rochester Ry.*, 151 N. Y. 107; *Spade* v. *Lynn, etc., R. R.*, 172 Mass. 488; *Victorian Ry.* v. *Coultas, L. R.*, 13 App. Cas. 222. In South Carolina, Minnesota, and Ireland strong decisions have been rendered in the plaintiff's favor. *Mack* v. *South, etc., R. R.*, 52 S. C. 323; *Purcell* v. *St. Paul, etc., Ry.*, 48 Minn. 134; *Bell* v. *Great, etc., Ry.*, 26 L. R. Ire. 428. In a recent English case the defendant's servant negligently drove a van through the window of the room in which the plaintiff was sitting. There was no physical contact, but the court allowed an action, as the plaintiff's fright was such as to cause a miscarriage two months later. *Dulieu* v. *White*, 1901, 2 K. B. 669.

The opinion of Kennedy, J., compact and forceful, goes far towards overcoming the objections upon which the contrary decisions are founded. The statement that there is no general duty of care not to frighten others, he argues, is too broad. There is a duty not to injure others. The only question is whether there is an actionable breach of such duty if one is made ill in body by negligence which does not break his ribs, but shocks his nerves. In answer to the objection that as fright is not actionable so no consequence of fright can be, he quotes Sir Frederick Pollock, that "Fear taken alone falls short of being actual damage, . . . because it can be proved and measured only by physical effects," and where measurable damage does result, it is evident that its primary cause was the act which produced the fear, not the fear itself. On the question of remoteness Kennedy disagrees with the Coultas decision. He asserts that if the injury follows the shock as its direct and natural effect, even though not immediate in point of time, it is still a proximate consequence of the shock. The grounds of public policy are lastly examined, and dismissed as insufficient to bar the plaintiff in meritorious

cases, and as involving an unwarranted distrust in the capacity of legal tribunals to get at the truth.

The courts as a rule do not expressly recognize that the ultimate question in such cases is one of expediency, but base their decisions on other grounds. A distinction has apparently been drawn between external effects of shock and those purely internal. Thus if the plaintiff faints the ensuing damage is too remote. *Victorian Ry.* v. *Coultas*, *supra*. Yet if external injury is sustained in jumping off a coach he may recover. *Jones* v. *Boyce*, 1 Stark. 493. If his horse bursts a blood vessel and dies the owner can get no compensation. *Lee* v. *Burlington*, 85 N. W. Rep. 618. But if it runs away the owner is recompensed for resulting damage. *Wilkins* v. *Day*, *L. R.*, 12 Q. B. D. 110. This is not a sound distinction. All organs, internal and external, nervous and muscular, are equally physical, and should be equally protected by the law; and the psychological fact should be recognized that a manifestation of fear through the nervous system is as proximate an effect as a manifestation through the muscular system.

Granting that logically physical damage is often the direct result of nervous shock, though not contemporaneous with it, the question still remains, is it wise to permit recovery without proof of impact or of immediate palpable injury? The objection that the practical application of the rule would be difficult is hardly convincing. It is not easy to translate any personal injury into terms of dollars and cents, yet courts and juries are doing it every day. The argument *ab inconvenienti* therefore is not insurmountable, and also it must be remembered that the plaintiff has not only to claim that he has suffered, but to prove it. It is urged by many that the courts would be flooded if such claims were allowed; and that three fourths of the claims would be fraudulent. Probably litigation would increase: possibly it should. Still, the threatened flood has not yet overtaken those courts which have granted relief. The principal case is a decided addition to the controversy both as a strong decision and for its sound logic. See 10 HARVARD LAW REVIEW, 387; 52 Cent. L. J. 339.

EASEMENTS OF LIGHT AND AIR OVER STREETS. — Much less favor has been extended to easements of light and air by the courts of this country than by those of England. It is everywhere held that the doctrine of ancient lights is not suited to the conditions of a growing country, and never became part of our common law. *Myers* v. *Gemmel*, 10 Barb. 537. Upon similar grounds some courts have declined to follow the English doctrine of acquiring easements of light and air by implied grant. *Keats* v. *Hugo*, 115 Mass. 204; *Janes* v. *Jenkins*, 34 Md. 1, *contra*. Even if such a doctrine is accepted, the better opinion is that its application should be limited to cases where the easement is strictly necessary to the beneficial user of the estate granted. *Turner* v. *Thompson*, 58 Ga. 268. In regard to the rights of light and air over a highway, however, an exception is to be noted. A recent Maryland decision in enjoining the construction of an arch over a public street at the instance of one whose building would thereby have been darkened adopts the view that abutting landowners have an easement of light and air over a public highway. *Townsend* v. *Epstein*, 49 Atl. Rep. 629. This right in several jurisdictions is held to exist independently of the ownership of the